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REMARKS

Claims 6-26 are pending.

I. New Claims

New claims 14-26 have been added. These claims define additional features of the invention. These new claims are supported throughout the specification and Figures, especially in the second paragraph of page 1.

II. Claim Objections

The Office Action objects to the pending claims as allegedly including "double inclusions." In response, the claims have been amended such that they are directed to a joint between two boards.

III. Double Patenting

Claim 9 stands objected to under 37 CFR § 1.75 as being a substantial duplicate of claim 7. In response, claim 9 has been amended to depend from claim 8. Reconsideration is respectfully requested.

IV. 35 USC § 103A. Claims 6, 7, 9, 12 and 13

Claims 6, 7, 9, 12, and 13 stand rejected under 35 USC § 103, as allegedly being unpatentable over Wilson (U.S. Patent No. 2,430,200).

The Office Action asserts Wilson teaches each feature of the claims, except for the size ranges for the first fitting clearance and the second fitting clearance. The Office Action continues, such "optimization of proportions," is considered an obvious improvement.

However, although Wilson shows a gap between panels 1 and 2, there is no first and second fitting clearances, as presently claimed. As described and shown in the reference, a gap is provided between the upper surface of the tenon and the upper surface of the groove, such gap permits the boards to move with regard to each other according to the dimension of that gap, or

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first fitting clearance. Assuming that that gap in Wilson is a first fitting clearance between a tenon and a groove, then Applicant further provides a wedge which defines a second, smaller, fitting clearance to reduce the relative movement of the planar surface of the boards with regards to one another. This is clearly neither shown nor suggested by Wilson.

While the Office Action suggests that the space between edge 9 and edge 18 of Wilson is a fitting clearance, and the space between edges 9 and 21 is a second fitting clearance, it is clear from Applicant's claims it is clear that the first fitting clearance is bound by at least one of the upper surface of the tenon and the upper surface of the groove or the lower surface of the tenon and the lower surface of the groove. Such is neither shown nor suggested by the reference.

Finally, although the Office Action alleges a guiding wedge is present in Wilson, there is no identification of such a structure as being present in the first fitting clearance between the tongue and groove. Assuming arguendo, the Examiner was contemplating portion 19 of tongue 20, such shape does not form a smaller fitting clearance, which is a requirement of the guiding wedge of the present claims.

Reconsideration is respectfully requested.

B. Claims 8, 10 and 11

Claims 8, 10 and 11 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Wilson in view of Martensson (U.S. Patent No. 6,101,778). Applicants respectfully present that although Martensson (U.S. Patent No. 6,101,778) was cited against the parent application (U.S. Appl. No. 09/601,573), this reference cannot be used in the present application in order to form an obviousness rejection under 35 USC § 103. Specifically, the present application, having a filing date after November 29, 1999, and Martensson were, at the time the invention of the subject matter of the present application was made, owned or subject to an obligation of assignment to Perstorp Flooring AB (or Pergo (Europe) AB, as a change of name), Martensson is not a proper reference for use in an obviousness rejection where it would qualify as prior art under 35 USC § 102(e).

Even if Martensson were a proper reference, Martensson fails to cure the deficiencies of Wilson, alone.

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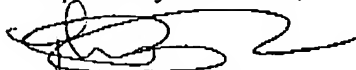
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V. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested. If any additional fee is necessary to make this paper timely and/or complete, it may be charged to the undersigned's deposit account number 19-4375.

Respectfully submitted,



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CERTIFICATE OF TRANSMISSION

The undersigned certifies this document has been transmitted by via facsimile to (703)872-9306 at the United States Patent & Trademark Office on the below-listed date.



By: Thomas P. Pavelko

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